

THE HEALTH SERVICE OMBUDSMAN

Do you have a complaint about  
the service you have received  
from the NHS?



How the  
Health Service Ombudsman  
can help you



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# 1. General guidance

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**T**he Health Service Ombudsman investigates complaints about the National Health Service (NHS). Before asking the Ombudsman to look into your complaint, you must first take it up locally with your local hospital, clinic or surgery. **Section 2** tells you what to do first.

If you are not happy with the way your complaint has been dealt with locally, write to the Ombudsman giving all the details. You do not need to employ a lawyer to put your complaint to the Ombudsman. There is a detachable form in the middle of this leaflet which you can use if you wish.

**Section 5** tells you what kinds of complaints the Ombudsman can investigate. There are some complaints which the Ombudsman cannot take up and **Section 6** tells you what they are. It is not possible in this leaflet to deal with every possibility. If you are not sure whether the Ombudsman can help, you can write or telephone for advice. The address and telephone number are at the back of this leaflet.

**Section 7** explains what happens when the Ombudsman receives your complaint.

The Ombudsman is **completely independent** of the NHS and the Government. There is **no charge** for the Ombudsman's service.

**This leaflet is currently available in Welsh, large print, tape, symbol summary and in the following languages: Arabic, Bengali, Chinese, Greek, Gujarati, Hindi, Punjabi, Urdu, Somali, Sinhalese, Turkish and Vietnamese.**

## 2. How to make your complaint

### The first steps - local investigation

You need first to take up your complaint locally. Your hospital, clinic or surgery can tell you how to do that. You can ask them for a leaflet which will have the details. Most complaints can be settled quickly in this way - by letter or by discussion with you.

If you are not satisfied after that, you can ask the local NHS Trust or Health Authority for a review of your complaint by an independent panel. If your request is granted, the review will be carried out by a panel usually of three members. The panel will be chaired by an independent person.

### Involving the Ombudsman

The Ombudsman will not normally become involved unless you have used **both** these local stages and are still unhappy, for example, because:

- it took too long to deal with your complaint locally;
- you were unreasonably refused a panel review;
- you did not get a completely satisfactory answer to your complaint.

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## Who can complain to the Ombudsman?

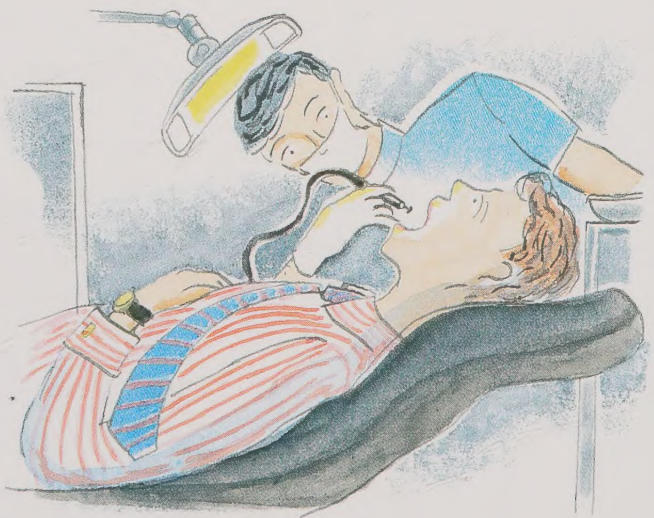
The person complaining can be:-

- the patient
- a relative (normally the closest member of the family)
- someone else, for example someone who works for the NHS or a Community Health Council.

If you complain on behalf of a patient, you must explain why the patient is not doing so. You must also say whether the patient supports the complaint.

## Time limits

You have to send your complaint to the Ombudsman no later than a year from the date when you became aware of the events which are the subject of complaint. The Ombudsman can sometimes extend the time limit, but only if there are special reasons. One reason might be that the local investigation of your complaint took much longer than it should have done.



### 3. Putting your complaint to the Ombudsman

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You should write and:

- describe what happened, when, where and (if you can) who was involved;
- say why you are complaining. You need to show that there has already been hardship or injustice. The Ombudsman does not investigate something that might cause problems in the future;
- provide all the evidence you can. Send all your letters and any background papers. If you send originals, photocopies will be taken (at no cost to you) and the originals returned to you promptly;
- if you can, please include a telephone number where you can be contacted during the day.

You can use the form with this leaflet or just write a letter. The form tells you what information the Ombudsman will need to know.

Before you write, please look at:

- Section 5 - which tells you what the Ombudsman can investigate
- Section 6 - which tells you what the Ombudsman cannot investigate.





# HEALTH SERVICE OMBUDSMAN COMPLAINT FORM

17. How have you or the patient been affected?

21. On what date did you first know of the matter(s) you are complaining about? If it is more than one year ago, please explain why you did not complain to the Ombudsman sooner.

## PAPERS TO SUPPORT YOUR COMPLAINT

22. Before the Ombudsman can consider a complaint, all the papers need to be seen, particularly letters to and from the body you are complaining about. All originals

HEALTH SERVICE OMBUDSMAN COMPLAINT FORM

It will help the Ombudsman if you fill in the form as far as you can. Section four of the leaflet tells you how to get help if you need it.

Please read the leaflet carefully before you decide to make a complaint. The leaflet tells you what the Ombudsman can and cannot investigate.

Please use block capitals when answering questions 1 to 6. Where you are given a choice of YES/NO, circle the **correct** answer.

ABOUT YOU

1. Name

10. Please explain why the patient cannot make the complaint

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11. Does the patient know that you are making a complaint and support it? YES NO

Please read the note at the end of this form before answering this question



ABOUT THE BODY (OR BODIES) YOU ARE  
COMPLAINING ABOUT

12. Which NHS body(ies) or other body are you  
complaining about?

4. Are you the patient involved in the complaint?

YES

NO

*If the answer is yes, please go to question 12*

ABOUT THE PATIENT

5. Name

6. Address

Postcode

7. What is your relationship to the patient?

8. Has the patient died?

YES

NO

*If the answer is no, please go to question 10*

9. Are you the next of kin?

YES

NO

If not, does the next of kin support your approach to the  
Ombudsman?

YES

NO

Please read the note at the end of this form before  
answering this question

*Please go to question 12*

14. Was your complaint made in writing? YES NO

15. Have you received a reply? YES NO

ABOUT YOUR COMPLAINT

*If you have more than one complaint, if possible, please  
complete questions 16 - 21 separately for each complaint.  
Please continue on a separate sheet of paper if necessary.*

16. What are you complaining about?

*Please continue on reverse*



18. What has the body you complained to done about it?

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19. Why are you not satisfied with what it has done?

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20. What do you want the Ombudsman to find out or do for you?

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Are you sending the Ombudsman all the papers?

YES NO

If not, please say, if possible, which papers you cannot provide.

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23. The Ombudsman may, if necessary and with your permission, decide to obtain papers you do not send from the NHS body. Do you agree to this?

YES NO

**LEGAL ACTION?** (See section 6 of the leaflet).

24. Are you planning legal action? YES NO

Name

(IN BLOCK CAPITALS)

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Signed

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Date

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Please send this form, and any background papers, to the following address:

Office of the Health Service Ombudsman  
Millbank Tower, Millbank  
London SW1P 4QP

**Note on questions 9 and 11**

In question 9 the Ombudsman needs to know if the next of kin supports the complaint because the next of kin may be interviewed in any investigation. The Ombudsman will not normally investigate if the next of kin does not support the complaint. For the same reason the Ombudsman needs to know, in question 11, whether the patient supports the complaint. The Ombudsman will not normally investigate if the patient does not support the complaint.



## 4. Getting help

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Your local Community Health Council will be able to help you. Otherwise you can ask for help from a Citizens Advice Bureau or from your Member of Parliament.

Telephone numbers and addresses for your local Community Health Council, Citizens Advice Bureau and Member of Parliament are in the phone book, available in your local library.

## 5. What can the Ombudsman investigate?

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The Ombudsman can investigate complaints about hospitals or community health services which are about:

- a. a poor service;
- b. failure to purchase or provide a service you are entitled to receive;
- c. maladministration - that is administrative failures such as:
  - avoidable delay
  - not following proper procedures
  - rudeness or discourtesy
  - not explaining decisions
  - not answering your complaint fully and promptly.

Where the matters you are complaining about happened after 31 March 1996, the Ombudsman may also investigate:

- d. complaints about the care and treatment provided by a doctor, nurse or other trained professional;
- e. other complaints about family doctors (GPs), or about dentists, pharmacists or opticians providing a NHS service locally.

## Complaints about access to information

You have rights to information about how the NHS operates locally. These are set out in the Government's Code of Practice on Openness in the NHS. Copies of the Code should be available in your local library or from your local hospital. If you ask your Health Authority or Trust for information and are not content with the response you first receive, you should write to the chief executive of the Health Authority or NHS Trust concerned. If you remain dissatisfied you can complain to the Ombudsman about such things as:

- refusal to provide the information - unless it is something you do not have the right to see;
- a delay of over four weeks in getting the information requested;
- the level of any charge you are asked to pay for it.

Such information may be about the services available locally, the standards set or achieved, or the details of important decisions or proposals.

Under the Code you can also ask for information about the NHS services provided by your local general practitioner, dentist, pharmacist or optician. If you are not satisfied with the reply you receive you may complain to the Ombudsman.

### Please note

The Ombudsman does not have to investigate your complaint. **It is up to the Ombudsman to decide whether to take up any particular complaint.** If your complaint is not to be investigated, you will be told why.





## 6. Matters that the Ombudsman cannot investigate

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The Ombudsman cannot look into:

- a. complaints which you could take to **court** or an **independent tribunal** - unless the Ombudsman does not think it reasonable for you to do so. If you are seeking damages for what has happened, only the courts can decide that. The Ombudsman cannot take up your complaint at all if you have already started legal action;
- b. **personnel issues** such as appointments of staff, pay or discipline. The Ombudsman cannot investigate complaints from NHS staff about their employment. The Ombudsman **can** look into complaints from staff about the way in which a complaint about them by or on behalf of a patient has been handled by a NHS Authority or Trust;
- c. **commercial or contractual matters**, unless they relate to services for patients provided under a NHS contract;
- d. **properly made decisions** a NHS authority or other body or individual providing NHS services has a right to make even if you do not agree with the decision;
- e. **services in a non-NHS hospital or nursing home**, unless they are paid for by the NHS;
- f. complaints about **government departments**, such as the Department of Health or the NHS Executive. Those complaints are for the Parliamentary Ombudsman to consider;
- g. complaints about **local authority** departments, such as social services. Those complaints are for the Local Government Ombudsman to consider.

## 7. How will the Ombudsman deal with your complaint?

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### First stage

When your complaint is received by the Ombudsman, a decision will be made on whether or not an investigation will be carried out. If the Ombudsman cannot look into your complaint or decides not to, you will be told why.

### Investigation

If the Ombudsman decides to investigate, you will be sent a statement of complaint. It will set out for you and for the body to be investigated what matters the Ombudsman will look into. The body which is responsible for the matters to be investigated will be asked to send to the Ombudsman their comments and all relevant papers - which might include your medical records (these will be kept strictly confidential).

After those papers have been received and studied a member of the Ombudsman's staff may ask to interview you at a convenient time and place, You can have a friend of your choice with you. The Ombudsman's investigator may then interview others concerned. If your complaint is about treatment provided by doctors, nurses or other professionals, independent professional advisers will be available to help the Ombudsman with the investigation.

Interviews are carried out in private. They are usually informal, although the Ombudsman has the same power as the civil courts to obtain evidence. Because the Ombudsman's investigations are thorough, they can take several months.



## The report

At the end of the investigation you will be sent the Ombudsman's report. A copy is also sent to the NHS or other body responsible for the matters you complained about. If your complaint is found to be justified, the Ombudsman will seek for you an apology or other remedy. Sometimes that may include getting a decision changed, or a repayment of unnecessary costs to patients or their families. The Ombudsman does not recommend damages. The Ombudsman may also call for changes to be made so that what has gone wrong does not happen again. Where the body you complained about tells the Ombudsman that it will make such changes, the Ombudsman checks that they have done so.

## Is there any appeal against the Ombudsman's decisions?

No. A complaint to the Ombudsman is the final stage in the procedure for pursuing a complaint. The Ombudsman's decision on a complaint is final. If completely new information comes to light which could not reasonably have been known about before, the Ombudsman may start a new investigation. That is extremely rare.

THE HEALTH SERVICE OMBUDSMAN'S ADDRESS  
AND TELEPHONE NUMBER ARE:

The Health Service Ombudsman for England  
Millbank Tower  
Millbank  
London SW1P 4QP

Telephone 0171 217 4051  
Text telephone 0171 217 4066

Before you post your letter, or the form with this  
leaflet, have you

- said what your complaint is?
- said who is involved?
- said when, and where, what you are  
complaining about happened?
- enclosed all the correspondence with the NHS  
or other body locally to whom you have  
complained, including other papers about your  
complaint?
- given your address and, if possible, a daytime  
telephone number?